IN THE UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF ALABAMA NORTHERN DIVISION

JEFFREY SCOTT JONES,)	
Plaintiff,)	
)	
VS.)	Civil Case No.: 04-377-BH-B
)	
LINDEN CITY BOARD OF)	
EDUCATION, and WALTER DAVIS,)	
Individually and in his official capacity as)	
Superintendent of Education of)	
Linden City Schools,)	
)	
Defendants.)	

ORDER

This matter is before the Court on Defendants' Motion (Doc. 28) for Summary Judgment. Plaintiff filed a Response (Doc. 69) in Opposition and Defendants, in turn, have filed a Reply (Doc. 71) to Plaintiff's Response. The Court has examined all the pleadings and evidentiary material submitted therewith and finds that Defendants' Motion (Doc. 28) for Summary Judgment is **due to be GRANTED IN PART and DENIED IN PART**.

Plaintiff has conceded his claims alleging violations of the Americans with Disabilities Act and harassment in violation of Title VII are without merit (Pl.'s Br. Opp. Summ. J., Doc. 69, p.7 & 30, n. 1 & 11) and, therefore, Defendants' Motion for Summary Judgment as to these claims is **here by GRANTED**. However, as to the remainder of Plaintiff's claims, the Court finds that there are genuine

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issues of material fact that cannot be resolved via summary judgment. Fed. R. Civ. P. 56(c). In regards to these claims, the Court finds that Defendants' Motion for Summary Judgment is **hereby DENIED**. **So ORDERED**, this 23rd day of August, 2005.

s/ W. B. Hand
SENIOR DISTRICT JUDGE